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Attorneys for Plaintiffs Oregon Restaurant and
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Center

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

OREGON RESTAURANT AND LODGING
ASSOCIATION, an Oregon Domestic Non-
Profit Corporation; and RESTAURANT LAW
CENTER,

Plaintiffs,

v.

KATE BROWN, in her official capacity as the
Governor of the State of Oregon,

Defendant.

Case No. 3: 20-cv-2017

DECLARATION OF DEAN GRIFFITH
IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER

EXPEDITED CONSIDERATION
REQUESTED

HEARING REQUESTED

I, Dean Griffith, hereby declare:

1. I make this declaration based upon my personal knowledge, and I am competent
to testify to the matters stated in this declaration. I make this declaration in support of *Plaintiffs'*

Motion for Temporary Restraining Order. The Oregon Restaurant and Lodging Association is authorized to act on behalf of me and my businesses in addressing Governor Kate Brown's COVID-19 related executive orders.

2. For over 50 years, the Old Spaghetti Factory has operated restaurants in Oregon and currently operate five such establishments at:

- a. 715 S Bancroft Street, Portland. There are 70 active employees;
- b. 12725 SE 93rd Ave, Clackamas. There are 78 active employees;
- c. 10425 NE Tanasbourne Dr, Hillsboro. There are 65 active employees;
- d. 603 NW 2nd street, Corvallis. There are 44 active employees; and
- e. 21192 SW Langer Farms Pkwy, Sherwood. There are 58 active employees.

Prior to start of the pandemic, we had 414 active employees. Today, we have only 315 active employees working at the restaurants.

3. I am the President of OSF International, Inc., the parent company of these restaurants. Each of these establishments is duly authorized to carry on business in the state of Oregon and in the cities in which they operate, and they are subject to applicable health department regulations.

4. On March 18th we closed all our restaurants. We did this as a precaution to our guests and team members. Safety was (and is) our number one concern. We did so prior to many jurisdictions asking or requiring. As it became clear restaurants could operate with appropriate protections in place, we reopened at the end of April. Most of the teams were restored the week of April 20th so we could prepare our restaurants and food for service on April 24th.

5. Prior to the COVID-19 pandemic, we were having a very good year with our sales in the stores being up 1.9% year over year through week ending March 8th. The March 8th week our sales were already being impacted down 5.5% with the previous week being up over 5.7%. Our average sales during the slow part of the year were over \$300,000 per week combined. We have worked hard to restore our business and have had moderate success. When the 50% mandate was in place in Oregon we had sales of \$241,000 the week ending November 8, 2020, but with sales then dropping significantly to \$201,000 the week ending November 15, 2020 when the 25% mandate took place for a portion of the week that included Veterans Day on November 11, 2020, which actually had sales increase on this day week over week. Our sales have dropped significantly from 2019. For instance, for the week November 10, 2019, our sales totaled \$348,000, but for the week ending November 8, 2020, our sales are down to \$241,000. For the week ending November 17, 2019, our sales totaled \$345,000, but for the week ending November 15, 2020, sales were down to \$201,000. We cannot continue to sustain these losses.

6. Governor Brown's current Executive Order will have a significant adverse impact on our operations. Although we will continue to keep our teams employed, we anticipate that some team members will lose their jobs, although the exact number of employees we may have to let go is very hard to numerate until we know of the length of the freeze on dining. We have already had to cut back the schedules and depending on the unit, we have tried to distribute the hours between those who are left or taken individuals off schedule completely. We also will have training costs when dining opportunities are restored.

7. We have worked hard with our teams to significantly reduce our costs and exposure, but it is very painful to our team members, many of whom cannot survive on

unemployment benefits. The state did not provide adequate support to make sure they could continue to pay their rent, child care, or other bills.

8. We anticipate our sales decreasing another 15% from the \$201,000 a week level last week. This means our sales will go down to about \$170,000 a week from \$350,000 a week last year. This does not pay the bills long term. If we close again for all sales, we will not be able to reopen without significant support.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY OF PERJURY.

DATED this 15th day of November, 2020.

By:

Dean Griffith

